

Mr. Norton's Direct Line: (512) 322-5884  
Email: dnorton@lglawfirm.com

August 20, 2007

**VIA HAND-DELIVERY**

Ms. LaDonna Castañuela  
Chief Clerk (MC 105)  
Texas Commission  
on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2007 AUG 20 PM 4:00  
CHIEF CLERKS OFFICE

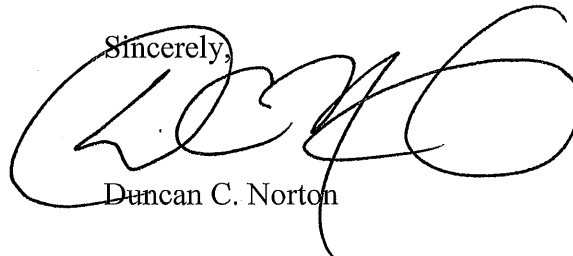
Re: SOAH Docket No. 582-06-0393; TCEQ Docket No. 2005-1184-MWD;  
Application of UA Holdings 1994-5 for New TPDES Permit No. 14468-001

Dear Ms. Castañuela:

Enclosed please find an original and 12 copies of *Notice of Settlement, Joint Motion for Rehearing, and Request for Agenda Setting* to be filed in the above-referenced matter. Please file-stamp one copy for us to retain for our records.

Thank you for your attention to this matter.

Sincerely,



Duncan C. Norton

DCN/ry  
2594/00/ltr070820

Enclosure

cc: Service List

SOAH DOCKET NO. 582-06-0393  
TCEQ DOCKET NO. 2005-1184-MWD

2007 AUG 20 PM 4:00

CHIEF CLERKS OFFICE

APPLICATION OF UA HOLDINGS	§	BEFORE THE TEXAS COMMISSION
	§	
1994-5, INC. FOR A NEW TPDES	§	ON
	§	
PERMIT NO. WQ 14468-001	§	ENVIRONMENTAL QUALITY

**NOTICE OF SETTLEMENT,  
JOINT MOTION FOR REHEARING  
AND REQUEST FOR AGENDA SETTING**

TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

COME NOW UA Holdings 1994-5, Inc., ("UA Holdings"), Applicant in the above referenced application, joined by Protestants Doug Joslyn, Phil Berthelot, and Michael and Wendy Thornton, ("Protestants"), (the "Movants") and files this their Notice of Settlement, Joint Motion for Rehearing and Request for Agenda Setting. The Executive Director of the TCEQ (E.D.") and the Office of Public Interest Counsel ("OPIC") have been consulted and have no objection to the granting of this Motion.

In support thereof, Movants would show as follows:

**I.  
BACKGROUND**

On July 25, 2007 Movants appeared before the Commissioners of the TCEQ at a regular Agenda meeting to make final arguments and receive the Commission's decision in the above-titled matter. During that Agenda, Movants informed the Commissioners of the ongoing settlement negotiations which were nearing a successful completion on that very day. Movants expressed a desire to allow those discussions to continue so that a final settlement on this and

related matters could be reached. However, Protestants attorney, Mr. Jim Blackburn, also expressed a desire to have the Commissioners enter an Order denying the application of UA Holdings, based upon the recommendation of the administrative law judge ("ALJ") and prior declarations of intent by the Commissioners. Attorney for the Applicant, Duncan Norton, suggested that the Commission go ahead and enter its Order denying the permit, but with the mutual understanding of all participants that a Motion for Rehearing would be the vehicle by which to reopen this matter should the negotiations be successful. All participants stated their mutual agreement to such an arrangement, and the Commissioners then voted to deny the permit application. The Order of the Commission was reduced to writing on July 30, 2007 and mailed to the parties on August 2, 2007.

On August 3, 2007 representatives of UA Holdings and the Protestants signed a Settlement Agreement which resolved their differences and which allow the application of UA Holdings to be approved by the TCEQ in accordance with the terms and conditions contained in the revised draft permit dated June 26, 2007 (attached hereto).

## **II.**

### **MOTION AND REQUEST**

As the Commissioners are aware, there are approximately 60-80 existing residences whose wastewater is currently being pumped and hauled on a frequent basis by trucks moving through the residential neighborhood to be served by UA Holdings. Movants jointly seek a resolution to this potentially harmful situation as expeditiously as possible.

Based upon the terms of the Settlement Agreement discussed herein, Movants request that the Commission set this joint Motion for Rehearing on the earliest available agenda and, upon rehearing this matter, grant said Motion for Rehearing. Movants further request that the Notice of this Agenda setting include both the consideration of the Motion for Rehearing and

consideration of the issuance of the above-referenced permit such that the Commissioners may take final action on this Application at that time. In the alternative, Movants request that the Commission remand the application to the E.D. so that the permit can be issued as an uncontested matter, based upon the settlement with Protestants.

### **CONCLUSION**

For the reasons stated above herein, Movants request that the Commissioners of the TCEQ consider this joint Motion for Rehearing at its possible convenience and grant said Motion, including the issuance of new TPDES Permit No. WQ-14468-001 as attached hereto, to UA Holdings, Applicant in this matter.

Respectfully submitted,

**APPLICANT UA HOLDINGS 1994-5, INC.**

by: 

Duncan C. Norton  
Attorney for UA Holdings 1994-5, Inc.

**PROTESTANTS**

by: \_\_\_\_\_

James B. Blackburn  
Mary W. Carter  
Attorneys for Protestants

consideration of the issuance of the above-referenced permit such that the Commissioners may take final action on this Application at that time. In the alternative, Movants request that the Commission remand the application to the E.D. so that the permit can be issued as an uncontested matter, based upon the settlement with Protestants.

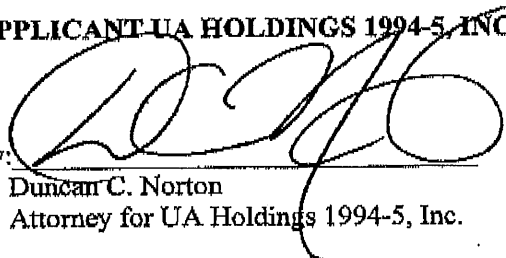
### CONCLUSION

For the reasons stated above herein, Movants request that the Commissioners of the TCEQ consider this joint Motion for Rehearing at its possible convenience and grant said Motion, including the issuance of new TPDES Permit No. WQ-14468-001 as attached hereto, to UA Holdings, Applicant in this matter.

Respectfully submitted,

APPLICANT UA HOLDINGS 1994-5, INC.

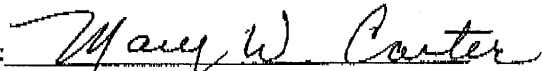
by:



Duncan C. Norton  
Attorney for UA Holdings 1994-5, Inc.

PROTESTANTS

by:



James B. Blackburn  
Mary W. Carter  
Attorneys for Protestants

**CERTIFICATE OF SERVICE**

**UA HOLDINGS 1994-5, INC.  
SOAH DOCKET NO. 582-06-0393  
TCEQ DOCKET NO. 2005-1184-MWD**

I hereby certify that on this the 20 day of August, 2007, a true and correct copy of the foregoing document was provided by hand delivery, first class mail, or facsimile to the following persons:

The Honorable Tommy L. Broyles  
Administrative Law Judge  
State Office of Administrative Hearings  
300 West Fifteenth Street  
Austin, Texas 78701  
Fax: 475-4994

Scott Humphrey, Attorney  
Texas Commission on Environmental Quality  
P.O. Box 13087 (MC-103)  
Austin, Texas 78711  
Fax: 239-6377

Ms. LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087 (MC-105)  
Austin, Texas 78711  
Fax: 239-3311

James B. Blackburn, Jr.  
Blackburn Carter, P.C.  
4709 Austin  
Houston, Texas 77004  
Fax: (713) 524-5165

Anthony Tatu, Staff Attorney  
Texas Commission on Environmental Quality  
P.O. Box 13087 (MC-173)  
Austin, Texas 78711  
Fax: 239-0606

Maria Brasher  
257 Blue Heron Dr.  
Montgomery, Texas 77316

Scott Ramsey Shoemaker, Staff Attorney  
Texas Commission on Environmental Quality  
P.O. Box 13087 (MC-173)  
Austin, Texas 78711  
Fax: 239-0606

Phil Berthelot  
17814 N. Blue Heron Dr.  
Montgomery, Texas 77316-3107

Pinar Dogru, Staff Attorney  
Texas Commission on Environmental Quality  
P.O. Box 13087 (MC-73)  
Austin, Texas 78711  
Fax: 239-0606

Doug Joslyn  
244 E. Blue Heron Dr.  
Montgomery, Texas 77356

CHIEF CLERKS OFFICE

2007 AUG 20 PM 4:00

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY



DUNCAN C. NORTON

Aug 06 07 09:23a

August 2, 2007

Bofemco, Inc., UA Holdings, 1994-5, Inc. and Douglas A. Joslyn agree to the following:

1. Bofemco, Inc. will create and maintain a buffer zone around the proposed wastewater treatment plant (the "Plant"), and retain trees and vegetation 50 ft. between the Plant and the boundary of the Joslyn property;
2. Effluent from the Plant shall be discharged to a (1) detention pond and (2) through a sediment pond before discharged into Martin Creek; Each pond will measure 20 ft. by 20 ft. The banks of Martin Creek and adjacent cleared areas should be re-vegetated and maintained.
3. Bofemco, Inc. agrees to take all steps necessary in support of issuance of a revised permit for the Plant. The effluent limitation for discharge of effluent from the Plant shall be the revised effluent limitation dated June 26, 2007, as required by the TCEQ.
4. Bofemco, Inc. will construct and maintain a detention/siltation pond of approximately 2.5 acres to detain stormwater runoff, to redirect stormwater runoff to Martin Creek, minimize stormwater runoff across Joslyn's property and minimize siltation resulting from such stormwater runoff. See Exhibit "1". Construction on such detention/siltation pond shall begin within 30 days of the signing of this agreement and will be completed in a prudent workmanlike manner. The pond shall be designed to optimize reduction of siltation. Existing drainage from Section 4 is allowed into the 2.5 acre detention pond. No runoff from Sections 5 or 6 will enter the 2.5 acre detention pond. Instead, Sections 5 and 6 will be served by their own detention/siltation drainage system in accordance with the requirements of Montgomery County. Sections 2 and 3 will be constructed in accordance with the Montgomery County plat approval.
5. Bofemco, Inc. shall convey to Joslyn a 12 acre parcel of land (400' x 1,300' approximately) located in the northeast section of the Bowen/Femrite property, and as generally described on the attached "Exhibit A". This conveyance shall be by special warranty deed with a metes and bounds description and survey. All new development by Bofemco must be in compliance with Montgomery County requirements. It is specifically agreed that natural stormwater is allowed to flow through the 12-acre site. Natural stormwater is defined in this agreement to be all flow currently coming through the 12-acre site plus any releases from future developed land and detention ponds approved by Montgomery County.

P. 3

Aug 06 07 09:24a

6. Payment by Bofemco, Inc. to Joslyn of \$250,000.00 as the cash consideration for this agreement.
7. Escrow and Escrow Agent.
  - A. The payment required in Item 6 above shall be paid into Escrow;
  - B. The warranty deed contemplated in Item 5 above shall be delivered to OLD Republic Title, as an Escrow Agent;
  - C. Either the payment referred to in 7.A above or the warranty deed referred to in 7.B above shall be paid or delivered into escrow by Friday, August 3, 2007. Whichever (payment or deed) is not delivered into Escrow by Friday, August 3, 2007, shall be paid or delivered into Escrow within five (5) business days of the execution of this Agreement, at which time Douglas A. Joslyn will sign on behalf of himself and the parties aligned, a Motion for Rehearing prepared by Bofemco, Inc. for filing before the TCEQ supporting the issuance of the Revised Permit, dated June 26, 2007, to UA Holdings, 1994-5, Inc. for TPDES Permit No. WQ-14468-001;
  - D. The monies paid into Escrow and the deed deposited into Escrow shall be released and paid from the Escrow account to Joslyn after the issuance of the Permit by the Commission and/or the Executive Director and upon the expiration of the 20-day period for filing a Motion for Rehearing;
8. Bofemco, Inc. and Douglas A. Joslyn agree to file a Joint Motion for Continuance by Friday, August 3, 2007 in the *Joslyn v. Bofemco* lawsuit.

Joslyn agrees as follows:

1. Joslyn shall provide a flowage easement across his property for the wastewater treatment plant discharge and the detention pond referenced in paragraph 4.
2. Upon Release of the monies and deed from the Escrow account, Joslyn will Non-suit the *Joslyn v. Bofemco* lawsuit.



P. 4

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General Agreement:

1. Each party agrees to use its best efforts to implement, consummate and conclude any obligations undertaken herein, and shall at all times act in good faith.
2. Any changes or modification to this agreement must be in writing executed by all parties.

AGREED & ACCEPTED:

Bofemco, Inc.

By: *Harry Young*  
*Sam*  
Authorized Officer

Date: 8-3-07

*Douglas A. Joslyn*  
Douglas A. Joslyn

Date: 8-3-07

*Kathy Joslyn*  
Kathy Joslyn

Date: 8-3-07

5 \* d

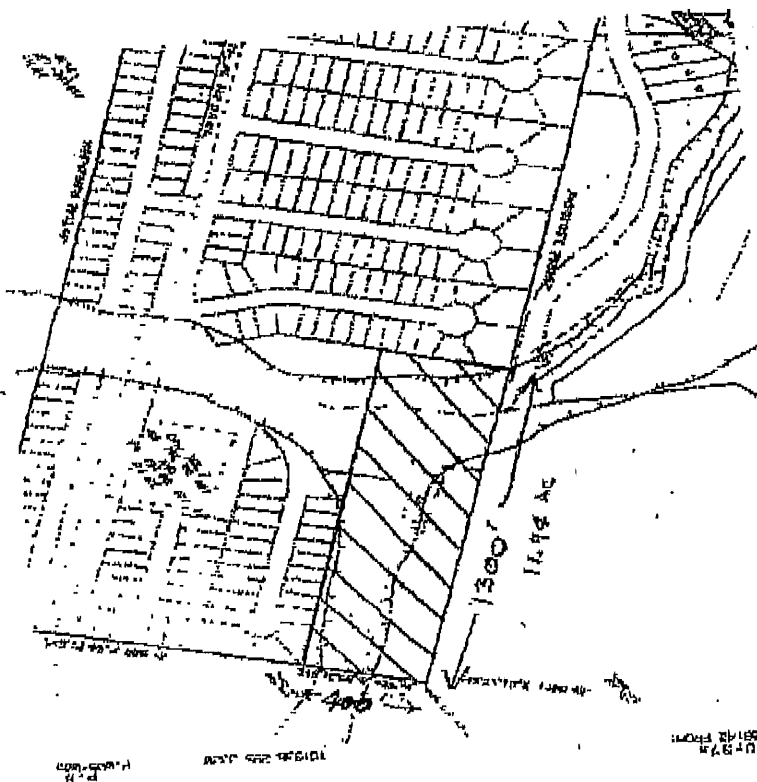
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APPROVED FOR THE  
PROSECUTOR  
JUL 18 2007

JOE

DO NOT WRITE

EXHIBIT "A"  
Page 1 of 1



JUL 31 07 10:23A  
JUL-31-2007 10:23 FROM

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

To: Firoj Vahora, Team Leader  
Municipal Permits Team, Wastewater Permitting Section

Date: September 22, 2003  
Revised on June 26, 2007

From: David U. Akoma, Municipal Permits Team

APPLICANT: UA Holdings 1994-5

PLANT NAME: Sunrise Ranch WWTP

TPDES PERMIT NO: 14468-001

TX0126101

EPA ID NO:

MODELING MEMO: 09/11/03, 04/22/04 & 08/29/06

STANDARDS MEMO: 09/08/03 &  
04/22/04

ADMIN COMPLETE DATE: 09/04/03

ASSIGN DATE: 09/11/03

TECH COMPLETE DATE: 09/22/03

### PERMIT TYPE

☐ PRIVATE DOMESTIC

☐ Discharge  
(TPDES)

☐ MINOR  
( $< 1$  MGD)

### PERMIT ACTION

☐ New

### PERMIT PACKAGE

YES NO

- ☐ Transmittal letter to applicant
- ☐ Transmittal letter to EPA
- ☐ Statement of Basis/Technical Summary and ED Preliminary Decision
- ☐ Permit Draft
- ☐ Pretreatment Requirements for POTWs
- ☐ EPA REVIEW CHECKLIST
  - ☐ FACILITY PROCESS FORM in file and entered in TRACS
  - ☐ NOTICE for admin complete on or after 9/1/99
- ☐ CAPTION (also saved in I:\EVERYONE\wq\CAPTION)
- ☐ MAJOR/MINOR DETERMINATION if needed
- ☐ LOCATED IN THE COASTAL ZONE (if located in coastal zone, include CMP Threshold Review Sheet)
- ☐ SPELLCHECK: DRAFT PERMIT/TECH SUM/SOB/FACT SHEET/NOTICE/LETTER(S)
- ☐ SCHEDULE FOR ERC: New, amended and permits in Edwards Aquifer are scheduled for ERC
- ☐ Located in the Edwards Aquifer area: ☐ NO

COMMENTS: UA Holdings 1994-5, 8765 Spring Cypress Road, Suite L #173, Spring, Texas 77379, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, proposed Texas Pollutant

Discharge Elimination System (TPDES) Permit No. 14468-001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 360,000 gallons per day. The facility will be located approximately 1,500 feet southwest of the intersection of State Highway 105 and Blue Heron Drive in Montgomery County, Texas. The treated effluent will be discharged to Martin Creek; thence to Lake Conroe in Segment No. 1012 of the San Jacinto River Basin. The effluent limitations in the interim phase of the draft permit, based on a 30-day average, are 5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, 1.9 mg/l NH<sub>3</sub>-N and 6.0 mg/l minimum dissolved oxygen (DO). The effluent limitations in the final phase of the draft permit, based on a 30-day average, are 5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, 1.2 mg/l NH<sub>3</sub>-N and 6.0 mg/l minimum dissolved oxygen (DO). The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow.

\_\_\_\_\_ POINT TOTAL

Mr. George Chandlee  
Source Environmental Sciences, Inc.  
4100 Westheimer, Suite 106  
Houston, TX. 77027

Re: UA Holdings 1994-5 - Proposed TPDES Permit No. 14468-001, (TX0126101; RN103948204; CN602477697)

Dear Mr. Chandlee:

Enclosed for your review and comment is a copy of a draft proposed permit and statement of basis/technical summary for the above-referenced operation. This draft permit is subject to further staff review and modification; however, we believe it generally includes the terms and conditions that are appropriate to your discharge. **Please read the entire draft carefully and note the following:**

1. The draft permit will be issued to expire June 1, 2007 in accordance with 30 TAC Section 305.71, Basin Permitting.
2. The Standard Permit Conditions, Sludge Provisions, and Other Requirements sections of the draft permit have been updated.
3. Please note that effluent limitations in the interim phase of the draft permit, based on a 30-day average, are 5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, 1.9 mg/l NH<sub>3</sub>-N and 6 mg/l minimum dissolved oxygen (DO). The effluent limitations in the final phase of the draft permit, based on a 30-day average, are 5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, 1.2 mg/l NH<sub>3</sub>-N and 6 mg/l minimum dissolved oxygen (DO).

Also enclosed for your review and comment is a copy of the draft second notice, the Notice of Application and Preliminary Decision, that was prepared for your application. Please review this notice and provide comments if there are any inaccuracies or any information that is not consistent with your application. Please do not publish the notice at this time; after the draft permit is filed with the Office of the Chief Clerk, you will receive instructions for publishing this notice in a newspaper from the Office of the Chief Clerk.

Please read the enclosed "Draft Permit Form" and submit your comments prior to the deadline that is indicated on the form. If your comments are not received by the deadline, the draft permit will be transferred to the Office of the Chief Clerk and comments received after this date will not be considered. Please see the enclosed form for further details.

Mr. George Chandlee

Page 2

If you have any comments or questions, please contact me at (512) 239-1444 or if by correspondence, include MC 148 in the letterhead address following my name.

Sincerely,

David U. Akoma, Permit Coordinator  
Municipal Permits Team  
Wastewater Permitting Section (MC 148)  
Water Quality Division  
Texas Commission on Environmental Quality

Enclosures

cc: TCEQ Region 12  
Patrick Aucoin, S.C. Utilities, 8765 Spring Cypress Road, Suite L #173, Spring, Tx. 77379

**CERTIFIED MAIL**

Ms. Evelyn Rosborough (6WQ-CA)  
U.S. Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Dallas, Texas 75202

Re:       |UA Holdings 1994-5  
          TPDES Draft Permit No. |14468-001, (TX0|126101)

Dear Ms. Rosborough:

Enclosed is the draft proposed permit, Technical Summary and Executive Director's Preliminary Decision, and application material for the draft TPDES Permit No. |14468-001 as required under the TCEQ/EPA Memorandum of Agreement. Please review and provide any written comments, objections (general or interim) or recommendations with respect to the draft permit within forty-five days from the receipt of this draft permit to me.

If you need additional information or have any questions, please call Mr. |David U. Akoma of my staff by telephone at (512) 239-|1444, by e-mail at [dakoma@tceq.state.tx.us](mailto:dakoma@tceq.state.tx.us), by fax at 512/239-4430 or if by correspondence, include MC 148 in the letterhead address following his name. Thank you for your cooperation in this matter.

Sincerely,

Firoj Vahora, Team Leader  
Municipal Permits Team  
Wastewater Permitting Section  
Water Quality Division

FV/|DUA/mam

Enclosures

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR WATER QUALITY TPDES PERMIT FOR MUNICIPAL WASTEWATER

PROPOSED PERMIT NO. 14468-001

### REVISED

**APPLICATION AND PRELIMINARY DECISION.** UA Holdings 1994-5, 8765 Spring Cypress Road, Suite L #173, Spring, Texas 77379, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. 14468-001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 360,000 gallons per day. This application was submitted to the TCEQ on July 17, 2003.

The facility will be located approximately 1,500 feet southwest of the intersection of State Highway 105 and Blue Heron Drive in Montgomery County, Texas. The treated effluent will be discharged to Martin Creek; thence to Lake Conroe in Segment No. 1012 of the San Jacinto River Basin. The designated uses for Segment No. 1012 are high aquatic life uses, public water supply and contact recreation. In accordance with 30 TAC §307.5 and the TCEQ implementation procedures for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. This review has preliminarily determined that no significant degradation of high quality waters is expected and that existing uses will be maintained and protected.

The TCEQ executive director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, statement of basis/technical summary and executive director's preliminary decision, and draft permit are available for viewing and copying at the Montgomery County Central Library, 104 Interstate 45 North, Conroe, Texas.

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the application. Generally, the TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 within 30 days of the date of newspaper publication of the notice.



**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. **The response to comments, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments or who requested to be on a mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the executive director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised during the public comment period and not withdrawn. Issues that are not raised in public comments may not be considered during a hearing.

**EXECUTIVE DIRECTOR ACTION.** The executive director may issue final approval of the application unless a timely contested case hearing request or a timely request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the executive director will not issue final approval of the permit and will forward the application and requests to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**MAILING LIST.** In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the Office of the Chief Clerk. You may request to be added to: (1) the mailing list for this specific application; (2) the permanent mailing list for a specific applicant name and permit number; and/or (3) the permanent mailing list for a specific county. Clearly specify which mailing list(s) to which you wish to be added and send your request to the TCEQ Office of the Chief Clerk at the address above. Unless you otherwise specify, you will be included only on the mailing list for this specific application.

**INFORMATION.** If you need more information about this permit application or the permitting process, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. General information about the TCEQ can be found at our web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

Further information may also be obtained from |UA Holdings 1994-5 at the address stated above or by calling |Patrick Aucoin with S. C. Utilities, at (281) 225-7501 or (281) 583-6855.

Issued:

**AGENDA CAPTION FOR PERMIT NO. 14468-001**

UA Holdings has applied for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. 14468-001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 360,000 gallons per day. The facility will be located approximately 1,500 feet southwest of the intersection of State Highway 105 and Blue Heron Drive in Montgomery County, Texas.

## MUNICIPAL EPA REVIEW CHECKLIST

Permittee Name: |UA Holdings 1994-5 |

Permit Number: TPDES Permit No. |14468-001, TX0|26101

**NOTE: Minor amendments, endorsements, and minor modifications (except for pretreatment) are exempt from EPA review. For renewal, amendment or new applications, check any items that apply to determine if permit application is subject to EPA review:**

PLEASE CHECK ALL THE APPLICABLE BELOW: \_

Draft permit authorizes:

YES NO

- |   |   |  |
|---|---|--|
| — | - | discharge from a designated major facility   |
| — | - | discharge from a POTW with an approved pretreatment program  |
| — | - | discharge from a facility with a daily/annual average flow >1.0 MGD  |
| — | - | discharge to a critical concern species watershed  |
| — | - | discharge that includes a request for a water quality variance   |
| — | - | storm water discharge to high priority species watershed   |
| — | - | prior to a final TMDL, new permit or expanded discharge to an impaired listed 303(d) listed segment, and which has the potential to discharge any pollutant which is causing or contributing to the impairment.  |
| — | - | after a final TMDL, new permit or expanded discharge to an impaired listed 303(d) listed segment where the TMDL does not allocate the loadings described in the draft permit   |
| — | - | after a final TMDL, a permit with effluent limits which allow loadings in excess of those prescribed by the TMDL for the segment   |
| — | - | after a final TMDL, a permit that allows <b>more</b> than a 3-year schedule for an existing facility to be in compliance with final effluent limits based on the TMDL allocation (new facilities have to be compliant upon discharge)  |
| — | - | discharge directly to territorial seas of the United States (from the coastline to 3 miles out but not including Bays and Estuaries)   |
| — | - | discharge or sewage sludge management that may affect another state or Mexico. For sewage sludge management, "may affect" means, accepts sewage sludge from another state or Mexico. For discharge, it means a discharge within 3 miles of a boundary with a another state or Mexico.  |
| — | - | discharge from a Class I sludge management facility. (A Class I facility is a POTW or combination of POTWs operated by the same authority with a design flow of >5 MGD and that have IUs and are required to have an approved pretreatment program or are subject to pretreatment standards, <b>OR</b> any other treatment works treating domestic sewage sludge classified as a Class I sludge management facility by the Regional Administrator in conjunction with the TCEQ.) |

If any column is marked "YES", EPA must receive a copy of the full permit package.

If all columns are marked "NO", EPA does not need to review the draft permit.

Permit Writer: |David U. Akoma

Date: September 22, 2003

# TRACS FACILITY EXTENSION - TREATMENT PROCESS

PERMIT NO. 14468-001

PERMITTEE UA Holdings 1994-5

Plant Name Sunrise Ranch WWTP

TOXICITY RATING: I (for minor TPDES)

☐ New ☐ Interim I ☐ Final

## LIQUID TREATMENT PROCESSES

### Primary Treatment

- 01 Pumping raw materials
- 02 Preliminary treatment - bar screen
- 03 Preliminary treatment - grit removal
- 04 Preliminary treatment - comminutors
- 05 Preliminary treatment - others
- B1 Imhoff tank
- 06 Scum removal
- 07 Flow equalization basins
- 08 Preaeration
- 09 Primary sedimentation
- D2 Septic tank
- A5 Facultative lagoon

### Secondary Treatment

- 10 Trickling filter - rock media
- 11 Trickling filter - plastic media
- 12 Trickling filter - redwood slats
- 13 Trickling filter - other media
- 14 Activate sludge - conventional
- 15 Activate sludge - complete mix
- 16 Activate sludge - contact stabilization
- 17 Activated sludge - extended aeration
- 18 Pure oxygen activate sludge
- 19 Bio-Disc (rotating biological filter)
- 20 Oxidation ditch
- 21 Clarification using tube settlers
- 22 Secondary clarification
- B6 Constructed wetlands
- E5 Natural treatment
- E6 Overland flow

### Advanced Treatment - Biological

- 23 Biological nitrification - separate stage
- 24 Biological nitrification - combined
- 25 Biological denitrification
- 26 Post aeration (reacration)

### Advanced Treatment-Physical/Chemical

- 27 Microstrainers - primary
- 28 Microstrainers - secondary
- D1 Dunbar beds
- 29 Sand filters
- 30 Mix media filters (sand and coal)
- 31 Other filtrations
- B2 Bubble diffuser (compressor)
- 32 Activated carbon - granular
- B3 Mechanical surface aerator
- 33 Activated carbon-powered
- 34 Two stage lime treatment of raw wastewater
- 35 Two stage tertiary lime treatment
- 36 Single stage lime treatment of raw wastewater
- 37 Single state tertiary lime treatment
- 38 Recarbonation
- 39 Neutralization
- 40 Alum addition to primary

- 41 Alum addition to secondary
- 42 Alum addition to separate state tertiary
- 43 Ferri-chloride addition to primary
- 44 Ferri-chloride addition to secondary
- 45 Ferri-chloride addition to separate stage tertiary
- 46 Other chemical additions
- 47 Ion exchange
- 48 Breakpoint chlorination
- 49 Ammonia stripping
- 50 Dechlorination
- Disinfection**
- 51 Chlorination for disinfection
- 52 Ozonation for disinfection
- 53 Other disinfection
- D3 Ultra violet light

### Land Treatment

- 54 land treatment of primary effluent
- 55 Land treatment of secondary effluent
- 56 land treatment of intermediate effluent (less than secondary)

### Other Treatment

- 57 Stabilization ponds
- 58 Aerated lagoons
- 59 Outfall pumping
- 60 Outfall diffuser
- 61 Effluent to other plants
- 62 Effluent outfall
- 63 Other treatment
- B4 Evapo-transpiration beds
- 64 Recalcination
- A5 Facultative lagoons
- D4 Pressure dosing system
- D5 Percolation system

### Disposal Method

- A7 Irrigation - public access
- A8 Irrigation - agricultural
- B4 Evapo-transpiration beds
- B6 Constructed wetlands
- C1 Irrigation - pastureland
- D4 Pressure dosing system
- D5 percolation system
- D8 Other reuse method
- E1 Evaporation/playa
- E2 Discharge only
- E3 Discharge and (use other #)
- E4 Injection well(s)

## SLUDGE TREATMENT PROCESSES

- 65 Aerobic digestion - air
- 66 Aerobic digestion - oxygen
- 67 Composting
- 68 Anaerobic digestion
- 69 Sludge lagoons
- 70 Heat treatment - dryer
- 71 Chlorine oxidation of sludge

- 72 Lime stabilization
- 73 Wet air oxidation
- 74 Dewatering -sludge drying beds, sand
- F2 Dewatering -sludge drying bed, vacuum assisted
- 75 Dewatering-mechanical -vacuum filter
- 76 Dewatering - mechanical-centrifuge
- 77 Dewatering - mechanical-filter press
- 78 Dewatering - others
- 79 Gravity thickening
- 80 Air flotation thickening
- D6 Sludge holding tank

### Incineration

- 81 Incineration - multiple hearth
- 82 Incineration - fluidized beds
- 83 Incineration - rotary kiln
- 84 Incineration - others
- 85 Pyrolysis
- 86 Co-incineration with solid waste
- 87 Co-pyrolysis with solid waste
- 88 Co-incineration - others

### Disposal

- 89 Co-disposal landfill
- D7 Sludge-only monofill
- 90 Land application (permitted)
- 91 Commercial land application (register)
- 92 Trenching
- B5 Transport to another WWTP
- F3 Transport to Regional compost facility
- 94 Other sludge handling
- 95 Digest gas utilization facilities
- E7 Commercial land application (permit)
- F4 Dedicated land disposal
- F5 Marketing and distribution - composted
- F6 marketing and distribution-noncomposted

## MISCELLANEOUS

- 96 Control/lab/maintenance buildings
- 97 Fully automated using digital control(computer)
- 98 Fully automated using analog control
- 99 Semi-automated plant
- A1 Manually operated and controlled plant
- A2 Package plant
- A3 Semi-package plant
- A4 Custom built plant
- A7 Irrigation - public access
- A8 Irrigation - agriculture
- A9 Effluent storage ponds (irrigation)
- C1 Irrigation - pastureland
- D8 Other reuse method
- D9 Emergency holding ponds
- E1 Evaporation or playa
- E8 Monitoring wells
- E9 Biomonitoring
- F7 Stormwater (SSO)
- F8 Unconventional

PERMIT WRITER: David U. Akoma

Municipal Permits Team  
Wastewater Permitting Section, Water Quality Division

September 22, 2003

Date

**STATEMENT OF BASIS/TECHNICAL SUMMARY  
AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**

DESCRIPTION OF APPLICATION

Applicant: UA Holdings 1994-5;  
Texas Pollutant Discharge Elimination System (TPDES) Permit No. 14468-001, (TX0126101)

Regulated Activity: Domestic Wastewater Permit

Type of Application: New Permit

Request: New Permit

Authority: Federal Clean Water Act, Section 402; Texas Water Code Section 26.027; 30 TAC Chapters 305, 307, 309, 312, 319, 30; Commission policies; and EPA guidelines.

EXECUTIVE DIRECTOR RECOMMENDATION

The executive director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The proposed permit includes an expiration date of June 1, 2007 according to 30 TAC Section 305.71, Basin Permitting.

REASON FOR PROJECT PROPOSED

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.18 million gallons per day in the interim phase and a daily average flow not to exceed 0.36 million gallons per day in the final phase. The proposed wastewater treatment facility will serve UA Holdings 1994-5.

PROJECT DESCRIPTION AND LOCATION

The Sunrise Ranch Wastewater Treatment Facility will be an activated sludge process plant operated in the conventional mode. Treatment units include bar screen, flow equalization basin, aeration basin, final clarifier, aerobic sludge digester and chlorine contact chamber. The facility has not been constructed.

Sludge generated from the treatment facility will be hauled by a registered transporter and disposed of at various TCEQ registered land application site. The draft permit authorizes the disposal of sludge only at a TCEQ registered or permitted land application site, commercial land application site or co-disposal landfill.

The plant site will be located approximately 1,500 feet southwest of the intersection of State Highway 105 and Blue Heron Drive in Montgomery County, Texas.

The treated effluent will be discharged to Martin Creek; thence to Lake Conroe in Segment No. 1012 of the San Jacinto River Basin. The designated uses for Segment No. 1012 are **high aquatic life uses, public water supply and contact recreation**. The effluent limitations in the draft permit will maintain and protect the existing instream uses.

In accordance with 30 TAC §307.5 and the TCEQ implementation procedures for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. **This review has preliminarily determined that no significant degradation of high quality waters is expected and that existing uses will be maintained and protected.** All determinations are preliminary and subject to additional review and/or revisions.

Effluent limitations for the conventional effluent parameters (i.e., Biochemical Oxygen Demand or Carbonaceous

Biochemical Oxygen Demand, Ammonia Nitrogen, etc.) are based on stream standards and waste load allocations for water quality limited streams as established in the Texas Water Quality Standards and the water quality management plan.

The effluent limitations in the draft permit have been reviewed for consistency with the State of Texas Water Quality Management Plan (WQMP). The proposed effluent limitations are not contained in the approved WQMP. However, these limits will be included in the next WQMP update. A Waste Load Evaluation has not been completed for Segment No. 1012.

No priority watershed of critical concern or high priority has been identified in Segment No. 1012 in Montgomery County. Therefore, no endangered or threatened aquatic or aquatic dependent species (including proposed species) have been determined to occur in the watershed of this segment or in this county. This determination is based on Appendix A of the United States Fish and Wildlife Service's biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System dated September 14, 1998 and the October 21, 1998 update. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment No. 1012 is not currently listed on the State's inventory of impaired and threatened waters (the Clean Water Act Section 303(d) list).

#### SUMMARY OF EFFLUENT DATA

N/A - New Permit.

#### PROPOSED PERMIT CONDITIONS

The draft permit authorizes a discharge of treated domestic wastewater at an interim volume not to exceed a daily average flow of 0.18 million gallons per day and a final volume not to exceed a daily average flow of 0.36 million gallons per day.

The effluent limitations in the interim phase of the draft permit, based on a 30-day average, are **5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, 1.9 mg/l NH<sub>3</sub>-N and 6.0 mg/l** minimum dissolved oxygen (DO). The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow.

The effluent limitations in the final phase of the draft permit, based on a 30-day average, are **5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, 1.2 mg/l NH<sub>3</sub>-N and 6.0 mg/l** minimum dissolved oxygen (DO). The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow.

The draft permit includes a requirement for the permittee to obtain legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the permittee according to 30 TAC Section 309.13(e)(3).

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal and Transportation.

#### SUMMARY OF CHANGES FROM APPLICATION

The applicant requested effluent limitations, based on a 30-day average, of 10 mg/l BOD<sub>5</sub>, 15 mg/l TSS, 3 mg/l NH<sub>3</sub>-N and 4.0 mg/l minimum dissolved oxygen (DO). However, effluent limitations in the interim phase of the draft permit, based on a 30-day average, are 5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, 1.9 mg/l NH<sub>3</sub>-N and 6 mg/l minimum dissolved oxygen (DO). The effluent limitations in the final phase of the draft permit, based on a 30-day average, are 5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, 1.2 mg/l NH<sub>3</sub>-N and 6 mg/l minimum dissolved oxygen (DO).

#### SUMMARY OF CHANGES FROM EXISTING PERMIT

None.

#### BASIS FOR PROPOSED DRAFT PERMIT

The following items were considered in developing the proposed permit draft:

1. Application received on July 17, 2003 and additional information received on August 25, 2003.
2. There is no existing NPDES permit for this facility; however, the application has been assigned the EPA Identification Number TX 0126101.
3. The effluent limitations and/or conditions in the draft permit comply with the Texas Surface Water Quality Standards, 30 TAC Sections 307.1 - 307.10, (21 TexReg 9765, 4/30/97).
4. The effluent limitations in the draft permit meet the requirements for secondary treatment and the requirements for disinfection according to 30 TAC Chapter 309, Subchapter A: Domestic Wastewater Effluent Limitations.
5. Interoffice memoranda from the Water Quality Assessment Section of the TCEQ Water Quality Division.
6. Consistency with the Coastal Management Plan: The facility is not located in the Coastal Management Program boundary.
7. "Procedures to Implement the Texas Surface Water Quality Standards," Texas Commission on Environmental Quality, January 2003.
8. State of Texas 2000 Clean Water Act Section 303(d) List, Texas Natural Resource Conservation Commission, December 2002.
9. "TNRCC Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits," Document No. 98-001.000-OWR-WQ, May 1998.

#### PROCEDURES FOR FINAL DECISION

Statement of Basis/Technical Summary and Executive Director's Preliminary Decision

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for review and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application, and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application. This notice sets a deadline for public comment.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment, and is not a contested case proceeding.

After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit raised during the public comment period. The Chief Clerk then mails the Executive Director's Response to Comments and Final Decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed.

The Executive Director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the Executive Director's Response to Comments and Final Decision is mailed. If a hearing request or request for reconsideration is filed, the Executive Director will not issue the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If the Executive Director calls a public meeting or the Commission grants a contested case hearing as described above, the Commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the Commission will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application contact David U. Akoma at (512) 239-1444.

David U. Akoma, Permit Coordinator  
Municipal Permits Team  
Wastewater Permitting Section (MC 148)

Date





TPDES PERMIT NO. 14468-001

[For TCEQ Office Use]

Only:

EPA ID No. TX0126101]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY P.O. Box 13087 Austin, Texas 78711-3087	
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PERMIT TO DISCHARGE WASTES

under provisions of  
Section 402 of the Clean Water Act  
and Chapter 26 of the Texas Water Code

UA Holdings 1994-5

whose mailing address is

8765 Spring Cypress Road, Suite L #173  
Spring, Texas 77379

is authorized to treat and discharge wastes from the Sunrise Ranch Wastewater Treatment Facility, SIC Code 4952

located approximately 1,500 feet southwest of the intersection of State Highway 105 and Blue Heron Drive in Montgomery County, Texas

to Martin Creek; thence to Lake Conroe in Segment 1012 of the San Jacinto River Basin

only according with effluent limitations, monitoring requirements and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, June 1, 2007.

ISSUED DATE:

For the Commission

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

1. During the period beginning upon the date of issuance and lasting through the completion of the 0.36 million gallons per day (MGD) facilities, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.18 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 500 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Minimum Self-Monitoring Requirements</u>	
	<u>Daily Avg mg/l(lbs/day)</u>	<u>7-day Avg mg/l</u>	<u>Daily Max mg/l</u>	<u>Report Daily Avg. &amp; Max. Single Grab. Measurement Frequency</u>	<u>Sample Type</u>
Flow, MGD	Report	N/A	Report	Five/week	Instantaneous
Carbonaceous Biochemical Oxygen Demand (5-day)	<u>5</u> ( <u>7.5</u> )	<u>10</u>	<u>20</u>	<u>One/week</u>	<u>Grab</u>
Total Suspended Solids	<u>5</u> ( <u>7.5</u> )	<u>10</u>	<u>20</u>	<u>One/week</u>	<u>Grab</u>
Ammonia Nitrogen	<u>1.9</u> ( <u>2.9</u> )	<u>5</u>	<u>10</u>	<u>One/week</u>	<u>Grab</u>

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per week by grab sample.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

1. During the period beginning upon the expansion of 0.36 million gallons per day (MGD) facilities and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.36 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 1000 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Minimum Self-Monitoring Requirements</u>	
	<u>Daily Avg</u> mg/l(lbs/day)	<u>7-day Avg</u> mg/l	<u>Daily Max</u> mg/l	<u>Report Daily Avg. &amp; Max.</u>	<u>Single Grab</u> Measurement Frequency Sample Type
Flow, MGD	Report	N/A	Report	Five/week	Instantaneous
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (15)	10	20	One/week	Grab
Total Suspended Solids	5 (45)	10	20	One/week	Grab
Ammonia Nitrogen	1.2 (3.6)	5	10	One/week	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per week by grab sample.

**DEFINITIONS AND STANDARD PERMIT CONDITIONS**

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC §§ 305.121 - 305.129 (relating to Permit Characteristics and Conditions) as promulgated under the Texas Water Code §§ 5.103 and 5.105, and the Texas Health and Safety Code §§ 361.017 and 361.024(a), establish the characteristics and standards for waste discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) Part 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit. All definitions in Section 26.001 of the Texas Water Code and 30 TAC Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

**1. Flow Measurements**

- a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with a 1 million gallons per day or greater permitted flow.
- b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.
- c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.
- d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.
- e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.
- f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

**2. Concentration Measurements**

- a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.
  - i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.
  - ii For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.
- b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.
- c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.
- d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day.

The "daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that day.

- e. Fecal coliform bacteria concentration - the number of colonies of fecal coliform bacteria per 100 milliliters effluent. The daily average fecal coliform bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the nth root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or, computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of fecal coliform bacteria equaling zero, a substituted value of one shall be made for input into either computation method. The 7-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
- f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as ( Flow, MGD x Concentration, mg/l x 8.34).
- g. Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.

### 3. Sample Type

- a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).
  - b. Grab sample - an individual sample collected in less than 15 minutes.
- 4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.
  - 5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids which have not been classified as hazardous waste separated from wastewater by unit processes .
  - 6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

### MONITORING AND REPORTING REQUIREMENTS

#### 1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be reported on an approved self-report form, that is signed and certified as required by Monitoring and Reporting Requirements No. 10.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act, the Texas Water Code, Chapters 26, 27, and 28, and Texas Health and Safety Code, Chapter 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

## 2. Test Procedures

Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§319.11 - 319.12. Measurements, tests and calculations shall be accurately accomplished in a representative manner.

## 3. Records of Results

- a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR § 264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.
- c. Records of monitoring activities shall include the following:
  - i. date, time and place of sample or measurement;
  - ii. identity of individual who collected the sample or made the measurement.
  - iii. date and time of analysis;
  - iv. identity of the individual and laboratory who performed the analysis;
  - v. the technique or method of analysis; and
  - vi. the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that maybe instituted against the permittee.

## 4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the approved self-report form. Increased frequency of sampling shall be indicated on the self-report form.

## 5. Calibration of Instruments

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site and/or shall be readily available for review by a TCEQ representative for a period of three years.

## 6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date to the Regional Office and the Enforcement Division (MC 224).

## 7. Noncompliance Notification

- a. In accordance with 30 TAC § 305.125(9) any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

- b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:
- Unauthorized discharges as defined in Permit Condition 2(g).
  - Any unanticipated bypass which exceeds any effluent limitation in the permit.
  - Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.
- c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
- d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.
8. In accordance with the procedures described in 30 TAC §§ 35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.
9. Changes in Discharges of Toxic Substances
- All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:
- That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - One hundred micrograms per liter (100 µg/L);
    - Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
    - Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
    - The level established by the TCEQ.
  - That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - Five hundred micrograms per liter (500 µg/L);
    - One milligram per liter (1 mg/L) for antimony;
    - Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
    - The level established by the TCEQ.
10. Signatories to Reports
- All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
11. All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Executive Director of the following:
- Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the CWA if it were directly discharging those pollutants;
  - Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and
  - For the purpose of this paragraph, adequate notice shall include information on:
    - The quality and quantity of effluent introduced into the POTW; and
    - Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

**PERMIT CONDITIONS****1. General**

- a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.
- b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:
  - i. Violation of any terms or conditions of this permit;
  - ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
  - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

**2. Compliance**

- a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
- b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
- c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment.
- e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.
- f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and Texas Water Code Section 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.
- h. In accordance with 30 TAC § 305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.
- i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal Clean Water Act, §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).



### 3. Inspections and Entry

- a. Inspection and entry shall be allowed as prescribed in the Texas Water Code Chapters 26, 27, and 28, and Texas Health and Safety Code Chapter 361.
- b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in Texas Water Code Section 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

### 4. Permit Amendment and/or Renewal

- a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:
  - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC § 305.534 (relating to New Sources and New Dischargers); or
  - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;
  - iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.
- c. The permittee must apply for an amendment or renewal prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.
- d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.
- e. In accordance with the Texas Water Code § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.
- f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of

the Clean Water Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

- a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Water Quality Applications Team (MC 161) of the Registration, Review, and Reporting Division.
- b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

This permit does not authorize any activity of hazardous waste storage, processing, or disposal which requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Relationship to Water Rights

Disposal of treated effluent by any means other than discharge directly to water in the state must be specifically authorized in this permit and may require a permit pursuant to Chapter 11 of the Texas Water Code.

8. Property Rights

A permit does not convey any property rights of any sort, or any exclusive privilege.

9. Permit Enforceability

The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**OPERATIONAL REQUIREMENTS**

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.
2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.
3. Domestic wastewater treatment facilities shall comply with the following provisions:
  - a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.
  - b. The permittee shall submit a closure plan for review and approval to the Agriculture and Sludge Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.
4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.
5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.

6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under Texas Water Code § 7.302(b)(6).

7. Documentation

For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for information required for TPDES permit applications, effluent data, including effluent data in permits, draft permits and permit applications, and other information specified as not confidential in 30 TAC § 1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice. If the Commission or Executive Director agrees with the designation of confidentiality, the TCEQ will not provide the information for public inspection unless required by the Texas Attorney General or a court pursuant to an open records request. If the Executive Director does not agree with the designation of confidentiality, the person submitting the information will be notified.

8. Facilities which generate domestic wastewater shall comply with the following provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.

- a. Whenever flow measurements for any domestic sewage treatment facility reach 75 percent of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90 percent of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility which reaches 75 percent of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

If in the judgement of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 149) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

- b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission, and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.
  - c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.
9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
  10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85 percent, unless otherwise authorized by this permit.
  11. Facilities which generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:
    - a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded

materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.

- b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
- c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.
- d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.
- e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.
- f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:
  - i. Volume of waste and date(s) generated from treatment process;
  - ii. Volume of waste disposed of on-site or shipped off-site;
  - iii. Date(s) of disposal;
  - iv. Identity of hauler or transporter;
  - v. Location of disposal site; and
  - vi. Method of final disposal.

The above records shall be maintained on a monthly basis. The records shall be retained at the facility site, or shall be readily available for review by authorized representatives of the TCEQ for at least five years.

- 12. For industrial facilities to which the requirements of 30 TAC Chapter 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with Chapter 361 of the Texas Health and Safety Code.

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## SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) registered or permitted land application site, commercial land application site or co-disposal landfill. **The disposal of sludge by land application on property owned, leased or under the direct control of the permittee is a violation of the permit unless the site is permitted or registered with the TCEQ. This provision does not authorize Distribution and Marketing of sludge. This provision does not authorize land application of Class A Sludge. This provision does not authorize the permittee to land apply sludge on property owned, leased or under the direct control of the permittee.**

## SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION

### A. General Requirements

1. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC Chapter 312 and all other applicable state and federal regulations in a manner which protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants which may be present in the sludge.
2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.
3. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

### B. Testing Requirements

1. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method, which receives the prior approval of the TCEQ for the contaminants listed in Table 1 of 40 CFR Section 261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division and the Regional Director (MC Region 12) within 7 days after failing the TCLP Test. The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 12) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year.

2. Sewage sludge shall not be applied to the land if the concentration of the pollutants exceed the pollutant concentration criteria in Table 1. The frequency of testing for pollutants in Table 1 is found in Section I.C.

TABLE 1

<u>Pollutant</u>	<u>Ceiling Concentration (milligrams per kilogram)*</u>
Arsenic	75
Cadmium	85
Chromium	3000
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
PCBs	49
Selenium	100
Zinc	7500

\* Dry weight basis

### 3. Pathogen Control

All sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following methods to ensure that the sludge meets either the Class A or Class B pathogen requirements.

- a. Six alternatives are available to demonstrate compliance with Class A sewage sludge. The first 4 options require either the density of fecal coliform in the sewage sludge be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. Below are the additional requirements necessary to meet the definition of a Class A sludge.

Alternative 1 - The temperature of the sewage sludge that is used or disposed shall be maintained at or above a specific value for a period of time. See 30 TAC Section 312.82(a)(2)(A) for specific information.

Alternative 2 - The pH of the sewage sludge that is used or disposed shall be raised to above 12 std. units and shall remain above 12 std. units for 72 hours.

The temperature of the sewage sludge shall be above 52 degrees Celsius for 12 hours or longer during the period that the pH of the sewage sludge is above 12 std. units.

At the end of the 72-hour period during which the pH of the sewage sludge is above 12 std. units, the sewage sludge shall be air dried to achieve a percent solids in the sewage sludge greater than 50 percent.

Alternative 3 - The sewage sludge shall be analyzed for enteric viruses prior to pathogen treatment. The limit for enteric viruses is less than one Plaque-forming Unit per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC Section 312.82(a)(2)(C)(i-iii) for specific information. The sewage sludge shall be analyzed for viable helminth ova prior to pathogen treatment. The limit for viable helminth ova is less than one per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC Section 312.82(a)(2)(C)(iv-vi) for specific information.

Alternative 4 - The density of enteric viruses in the sewage sludge shall be less than one Plaque-forming Unit per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed.

Alternative 5 (PFRP) - Sewage sludge that is used or disposed of shall be treated in one of the processes to Further Reduce Pathogens (PFRP) described in 40 CFR Part 503, Appendix B. PFRP include composting, heat drying, heat treatment, and thermophilic aerobic digestion.

Alternative 6 (PFRP Equivalent) - Sewage sludge that is used or disposed of shall be treated in a process that has been approved by the U. S. Environmental Protection Agency as being equivalent to those in Alternative 5.

- b. Three alternatives are available to demonstrate compliance with Class B criteria for sewage sludge.

Alternative 1 -

- i. A minimum of seven random samples of the sewage sludge shall be collected within 48 hours of the time the sewage sludge is used or disposed of during each monitoring episode for the sewage sludge.
- ii. The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 MPN per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

Alternative 2 - Sewage sludge that is used or disposed of shall be treated in one of the Processes to Significantly Reduce Pathogens (PSRP) described in 40 CFR Part 503, Appendix B, so long as all of the following requirements are met by the generator of the sewage sludge.

- i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;
- ii. An independent Texas Licensed Professional Engineer must make a certification to the generator of a sewage sludge that the wastewater treatment facility generating the sewage sludge is designed to achieve one of the PSRP at the permitted design loading of the facility. The certification need only be repeated if the design loading of the facility is increased. The certification shall include a statement indicating the design meets all the applicable standards specified in Appendix B of 40 CFR Part 503;

- iii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U. S. Environmental Protection Agency final guidance;
- iv. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review; and
- v. If the sewage sludge is generated from a mixture of sources, resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the PSRP, and shall meet the certification, operation, and record keeping requirements of this paragraph.

Alternative 3 - Sewage sludge shall be treated in an equivalent process that has been approved by the U. S. Environmental Protection Agency, so long as all of the following requirements are met by the generator of the sewage sludge.

- i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;
- ii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U. S. Environmental Protection Agency final guidance;
- iii. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review;
- iv. The executive director will accept from the U. S. Environmental Protection Agency a finding of equivalency to the defined PSRP; and
- v. If the sewage sludge is generated from a mixture of sources resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the Processes to Significantly Reduce Pathogens, and shall meet the certification, operation, and record keeping requirements of this paragraph.

In addition, the following site restrictions must be met if Class B sludge is land applied:

- i. Food crops with harvested parts that touch the sewage sludge/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of sewage sludge.



- ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge when the sewage sludge remains on the land surface for 4 months or longer prior to incorporation into the soil.
- iii. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of sewage sludge when the sewage sludge remains on the land surface for less than 4 months prior to incorporation into the soil.
- iv. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of sewage sludge.
- v. Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge.
- vi. Turf grown on land where sewage sludge is applied shall not be harvested for 1 year after application of the sewage sludge when the harvested turf is placed on either land with a high potential for public exposure or a lawn.
- vii. Public access to land with a high potential for public exposure shall be restricted for 1 year after application of sewage sludge.
- viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge.
- ix. Land application of sludge shall be in accordance with the buffer zone requirements found in 30 TAC Section 312.44.

#### 4. Vector Attraction Reduction Requirements

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following alternatives 1 through 10 for Vector Attraction Reduction.

Alternative 1 - The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38 percent.

Alternative 2 - If Alternative 1 cannot be met for an anaerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30 and 37 degrees Celsius. Volatile solids must be reduced by less than 17 percent to demonstrate compliance.

Alternative 3 - If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with a percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20 degrees Celsius. Volatile solids must be reduced by less than 15 percent to demonstrate compliance.

Alternative 4 - The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius.

- Alternative 5 - Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40 degrees Celsius and the average temperature of the sewage sludge shall be higher than 45 degrees Celsius.
- Alternative 6 - The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then remain at a pH of 11.5 or higher for an additional 22 hours at the time the sewage sludge is prepared for sale or given away in a bag or other container.
- Alternative 7 - The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75 percent based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.
- Alternative 8 - The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90 percent based on the moisture content and total solids prior to mixing with other materials at the time the sludge is used. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.
- Alternative 9 -
- i. Sewage sludge shall be injected below the surface of the land.
  - ii. No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.
  - iii. When sewage sludge that is injected below the surface of the land is Class A with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.
- Alternative 10 -
- i. Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.
  - ii. When sewage sludge that is incorporated into the soil is Class A with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

**C. Monitoring Requirements**

Toxicity Characteristic Leaching Procedure (TCLP) Test - once during the term of this permit

PCBs - once during the term of this permit

All metal constituents and Fecal coliform or Salmonella sp. bacteria shall be monitored at the appropriate frequency shown below, pursuant to 30 TAC Section 312.46(a)(1):

<u>Amount of sewage sludge (*) metric tons per 365-day period</u>	<u>Monitoring Frequency</u>
0 ≤ Sludge < 290	Once/Year
290 ≤ Sludge < 1,500	Once/Quarter
1,500 ≤ Sludge < 15,000	Once/Two Months
15,000 ≤ Sludge	Once/Month

(\*) The amount of bulk sewage sludge applied to the land (dry weight basis).

Representative samples of sewage sludge shall be collected and analyzed in accordance with the methods referenced in 30 TAC Section 312.7.

**SECTION II. REQUIREMENTS SPECIFIC TO BULK SEWAGE SLUDGE FOR APPLICATION TO THE LAND MEETING CLASS A or B PATHOGEN REDUCTION AND THE CUMULATIVE LOADING RATES IN TABLE 2, OR CLASS B PATHOGEN REDUCTION AND THE POLLUTANT CONCENTRATIONS IN TABLE 3**

For those permittees meeting Class A or B pathogen reduction requirements and that meet the cumulative loading rates in Table 2 below, or the Class B pathogen reduction requirements and contain concentrations of pollutants below listed in Table 3, the following conditions apply:

**A. Pollutant Limits**

Table 2

<u>Pollutant</u>	<u>Cumulative Pollutant Loading Rate (pounds per acre)</u>
Arsenic	36
Cadmium	35
Chromium	2677
Copper	1339
Lead	268
Mercury	15
Molybdenum	Report Only
Nickel	375
Selenium	89
Zinc	2500

Table 3

<u>Pollutant</u>	<u>Monthly Average Concentration (milligrams per kilogram)*</u>
Arsenic	41
Cadmium	39
Chromium	1200
Copper	1500
Lead	300
Mercury	17
Molybdenum	Report Only
Nickel	420
Selenium	36
Zinc	2800

\* Dry weight basis

**B. Pathogen Control**

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, a reclamation site, shall be treated by either Class A or Class B pathogen reduction requirements as defined above in Section I.B.3.

**C. Management Practices**

1. Bulk sewage sludge shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters in the State.
2. Bulk sewage sludge not meeting Class A requirements shall be land applied in a manner which complies with the Management Requirements in accordance with 30 TAC Section 312.44.
3. Bulk sewage sludge shall be applied at or below the agronomic rate of the cover crop.
4. An information sheet shall be provided to the person who receives bulk sewage sludge sold or given away. The information sheet shall contain the following information:
  - a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.
  - b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instruction on the label or information sheet.
  - c. The annual whole sludge application rate for the sewage sludge application rate for the sewage sludge that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

**D. Notification Requirements**

1. If bulk sewage sludge is applied to land in a State other than Texas, written notice shall be provided prior to the initial land application to the permitting authority for the State in which the bulk sewage sludge is proposed to be applied. The notice shall include:
  - a. The location, by street address, and specific latitude and longitude, of each land application site.
  - b. The approximate time period bulk sewage sludge will be applied to the site.
  - c. The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who will apply the bulk sewage sludge.
2. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

**E. Record keeping Requirements**

The sludge documents will be retained at the facility site and/or shall be readily available for review by a TCEQ representative. The person who prepares bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative for a period of five years. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC Section 312.47 for persons who land apply.

1. The concentration (mg/kg) in the sludge of each pollutant listed in Table 3 above and the applicable pollutant concentration criteria (mg/kg), or the applicable cumulative pollutant loading rate and the applicable cumulative pollutant loading rate limit (lbs/ac) listed in Table 2 above.
2. A description of how the pathogen reduction requirements are met (including site restrictions for Class B sludges, if applicable).
3. A description of how the vector attraction reduction requirements are met.
4. A description of how the management practices listed above in Section II.C are being met.
5. The following certification statement:

"I certify, under penalty of law, that the applicable pathogen requirements in 30 TAC Section 312.82(a) or (b) and the vector attraction reduction requirements in 30 TAC Section 312.83(b) have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

6. The recommended agronomic loading rate from the references listed in Section II.C.3. above, as well as the actual agronomic loading rate shall be retained.

The person who applies bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative indefinitely. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC Section 312.47 for persons who land apply.

1. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 30 TAC Section 312.47(a)(4)(A)(ii) or 30 TAC Section 312.47(a)(5)(A)(ii), as applicable, and to the permittee's specific sludge treatment activities.
2. The location, by street address, and specific latitude and longitude, of each site on which sludge is applied.
3. The number of acres in each site on which bulk sludge is applied.
4. The date and time sludge is applied to each site.
5. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to each site.
6. The total amount of sludge applied to each site in dry tons.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

**F. Reporting Requirements**

The permittee shall report annually to the TCEQ Regional Office (MC Region 12) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 1 of each year the following information:

1. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.
2. The frequency of monitoring listed in Section I.C. which applies to the permittee.
3. Toxicity Characteristic Leaching Procedure (TCLP) results.
4. Identity of hauler(s) and TCEQ transporter number.
5. PCB concentration in sludge in mg/kg.
6. Date(s) of disposal.
7. Owner of disposal site(s).
8. Texas Commission on Environmental Quality registration number, if applicable.
9. Amount of sludge disposal dry weight (lbs/acre) at each disposal site.
10. The concentration (mg/kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) as well as the applicable pollutant concentration criteria (mg/kg) listed in Table 3 above, or the applicable pollutant loading rate limit (lbs/acre) listed in Table 2 above if it exceeds 90% of the limit.
11. Level of pathogen reduction achieved (Class A or Class B).
12. Alternative used as listed in Section I.B.3.(a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B sludge, include information on how site restrictions were met.
13. Vector attraction reduction alternative used as listed in Section I.B.4.
14. Annual sludge production in dry tons/year.
15. Amount of sludge land applied in dry tons/year.
16. The certification statement listed in either 30 TAC Section 312.47(a)(4)(A)(ii) or 30 TAC Section 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge treatment activities, shall be attached to the annual reporting form.

17. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.
  - a. The location, by street address, and specific latitude and longitude.
  - b. The number of acres in each site on which bulk sewage sludge is applied.
  - c. The date and time bulk sewage sludge is applied to each site.
  - d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk sewage sludge applied to each site.
  - e. The amount of sewage sludge (i.e., dry tons) applied to each site.

The above records shall be maintained on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.



**SECTION III. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE DISPOSED IN A MUNICIPAL SOLID WASTE LANDFILL**

- A. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC Chapter 330 and all other applicable state and federal regulations to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present. The permittee shall ensure that the sewage sludge meets the requirements in 30 TAC Chapter 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
- B. If the permittee generates sewage sludge and supplies that sewage sludge to the owner or operator of a Municipal Solid Waste Landfill (MSWLF) for disposal, the permittee shall provide to the owner or operator of the MSWLF appropriate information needed to be in compliance with the provisions of this permit.
- C. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.
- D. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method, which receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR Section 261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal.

Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division and the Regional Director (MC Region 12) of the appropriate TCEQ field office within 7 days after failing the TCLP Test. The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 12) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year.

- E. Sewage sludge shall be tested as needed, in accordance with the requirements of 30 TAC Chapter 330.

**F. Record keeping Requirements**

The permittee shall develop the following information and shall retain the information for five years.

1. The description (including procedures followed and the results) of all liquid Paint Filter Tests performed.
2. The description (including procedures followed and results) of all TCLP tests performed.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

**G. Reporting Requirements**

The permittee shall report annually to the TCEQ Regional Office (MC Region 12) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year the following information:

1. Toxicity Characteristic Leaching Procedure (TCLP) results.
2. Annual sludge production in dry tons/year.
3. Amount of sludge disposed in a municipal solid waste landfill in dry tons/year.
4. Amount of sludge transported interstate in dry tons/year.
5. A certification that the sewage sludge meets the requirements of 30 TAC Chapter 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
6. Identity of hauler(s) and transporter registration number.
7. Owner of disposal site(s).
8. Location of disposal site(s).
9. Date(s) of disposal.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

**OTHER REQUIREMENTS**

1. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.  
  
This Category C facility must be operated by a chief operator or an operator holding a Category C license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift which does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.
2. The facility is not located in the Coastal Management Program boundary.
3. The permittee is hereby placed on notice that this permit may be reviewed by the Texas Commission on Environmental Quality after the completion of any new intensive water quality survey on Segment No. 1012 of the San Jacinto River Basin and any subsequent updating of the water quality model for Segment No. 1012, in order to determine if the limitations and conditions contained herein are consistent with any such revised model. The permit may be amended, pursuant to 30 TAC Section 305.62, as a result of such review. The permittee is also hereby placed on notice that effluent limits may be made more stringent at renewal based on, for example, any change to modeling protocol approved in the TCEQ Continuing Planning Process.
4. Prior to construction of the treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary submittal letter in accordance with the requirements in 30 TAC Section 317.1. If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications and a final engineering design report which comply with 30 TAC Chapter 317, Design Criteria for Sewerage System. The permittee shall clearly show how the treatment system will meet the permitted effluent limitations required on Page 2 and 2a of the permit.
5. The permittee shall comply with the requirements of 30 TAC Section 309.13 (a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC Section 309.13(e).
6. The permittee has submitted sufficient evidence of legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the permittee according to 30 TAC Section 309.13(e)(3).  
Relevant documents containing evidence of legal restriction has been placed on file.
7. The permittee shall provide facilities for the protection of its wastewater treatment facilities from a 100-year flood.
8. The permittee shall notify the TCEQ Regional Office (MC Region 12) and the Water Quality Applications Team (MC 16) of the Registration, Review, and Reporting Division, in writing at least forty-five (45) days prior to the completion of the new facilities.

